

UNITED STATES DISTRICT COURT

for the

WESTERN

DISTRICT OF

OKLAHOMA

In the Matter of the Search of)

)

)

PROPERTY KNOWN AS: black 128 GB flash drive)

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Case No: MJ-22-760-STE

APPLICATION FOR SEARCH WARRANT

I, a federal law enforcement officer or attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following property (*identify the person or describe property to be searched and give its location*):

See Attachment A, which is attached and incorporated by reference.

Located in the Western District of Oklahoma, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B, which is attached and incorporated by reference.

The basis for the search under Fed. R. Crim.P.41(c) is (*check one or more*):

- ☒ evidence of the crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

18 U.S.C. §2252A(a)(5)(B)

18 U.S.C. §2252A(a)(2)

18 U.S.C. §2251(a) and (e)

Offense Description

Possession of material containing child pornography

Distribution of child pornography

Sexual exploitation and attempted sexual exploitation of a child

The application is based on these facts:

See attached Affidavit of Special Agent Marisol Flores, Federal Bureau of Investigation, which is incorporated by reference herein.

- ☒ Continued on the attached sheet(s).
☐ Delayed notice of _____ days (*give exact ending date if more than 30 days*) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet(s).



Applicant's signature

Marisol Flores
 Special Agent
 Federal Bureau of Investigation

Sworn to before me and signed in my presence.

Date: Oct 19, 2022

City and State: Oklahoma City, Oklahoma



Judge's signature

SHON T. ERWIN, U.S. Magistrate Judge

Printed name and title

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Marisol Flores, a Special Agent with the Federal Bureau of Investigation (FBI), Oklahoma City, Oklahoma, being duly sworn, depose and state as follows:

1. I have been employed as a Special Agent of the FBI since May 2015 and have been assigned to the Oklahoma City FBI Field Office. During that time, I have conducted a wide variety of investigations, including numerous cases involving child pornography and sexual exploitation of children.

2. As a Special Agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

3. The information contained in this affidavit is based upon my personal knowledge and observation, my training and experience, conversations with other law enforcement officers and witnesses, and review of documents and records. This affidavit is made in support of an application for a warrant to search a flash drive containing Google Photos collected from Nathan Benfall's office at the Oklahoma Children's Theater located at 2501 N Blackwelder, Oklahoma City, Oklahoma 73106 (hereinafter referred to as "the Flash Drive"), which is described in detail in Attachment A to this affidavit for the items specified in Attachment B hereto, which constitute instrumentalities, fruits, and evidence of violations of 18 U.S.C. §§ 2252A(a)(5)(B), 2252A(a)(2), and 2251(a) and (e).

4. This investigation, described more fully below, has revealed that Nathan Benfall utilized the BitTorrent peer-to-peer (P2P) file-sharing network from his residence to distribute child pornography in violation of 18 U.S.C. § 2252A(a)(2), he possessed material containing child

pornography in violation of 18 U.S.C. § 2252A(a)(5)(B), and he produced and attempted to produce child pornography using a hidden camera in his residence to capture minor children going to the bathroom and showering in violation of 18 U.S.C. § 2251(a) and (e). There is probable cause to believe that evidence, fruits, and instrumentalities of such violations is located on the Flash Drive.

5. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me regarding this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to support the issuance of a search warrant.

BACKGROUND OF INVESTIGATION

6. This case originated on April 1, 2022, when law enforcement conducted an online undercover investigation to identify individuals possessing and sharing child pornography on the Internet using the BitTorrent P2P network. Law enforcement used a P2P file-sharing program that utilizes a single-source download process. Based upon training and experience, I was familiar with P2P file-sharing, specifically the operation of the BitTorrent network. Law enforcement directed their focus to a computer using IP address 72.202.187.89 because it was associated with a torrent file which referenced 5971 files, at least one of which had been identified as a file of interest in child pornography investigations.

7. On April 1, 2022, between 21:19 and 23:45 hours, Central Standard Time, law enforcement completed single-source downloads of approximately 6 files that the device using IP address 72.202.187.89 was making available for others to download on the BitTorrent network. Each of the files was downloaded directly from the device using IP address 72.202.187.89. Based upon my training and experience, I determined several of these files depict children under the age

of eighteen years engaged in lascivious exhibitions of the genitals that constitute child pornography as defined by Title 18, U.S.C. § 2256. Two of these files are described below:

- a. Filename: kinderficker pthc hussyfan i fuck my step doughter jenniefer sofie she cries realy good(2).mpg
Description: This video depicts a prepubescent female naked from the mid-section down, while an adult male's erect penis is penetrating her vagina. At the end of the video the camera pans to the upper body of the child, who is wearing a white, sleeveless shirt. The child is covering her eyes with both of her hands. The video is 23 seconds in length.
- b. File name: PTHC – 11yr old fingered and fucked, very tight pussy.l.mpg
Description: This video depicts a prepubescent female's vagina being penetrated by the right hand index finger of another individual. During the video, the individual uses fingers of both hands to open the child's vagina. Then, the individual resumes penetrating the child's vagina with their right index finger. The individual proceeds to touch the anus of the child with their right index finger. At the end of the video, the individual is seen positioning themselves and their erect penis in front of the child's exposed vagina. This video is 50 seconds in length.

8. I determined that Cox Communications, Inc. was the Internet service provider for IP address 72.202.187.89. Pursuant to an administrative subpoena, on May 16, 2022, Cox Communications, Inc. provided the following Internet subscriber information for the IP address 72.202.187.89 on the date and times of the downloads described above:

Name:	Nathan Benfall
Address:	2227 NW 38th St. Oklahoma City, Oklahoma 73112
Phone:	(405) 974-8392
Activation Date:	06/10/2017
Account Status:	Active

9. On April 3, 2022, law enforcement conducted another online undercover investigation on a computer using the IP address 72.202.187.89 because it was associated with a torrent file which referenced 61 files, at least one of which had been identified as a file of interest

in child pornography investigations.

10. On April 3, 2022, between 23:17 and 23:39 hours, Central Daylight Savings Time, law enforcement completed single-source downloads of approximately 15 files that the device using IP address 72.202.187.89 was making available for others to download on the BitTorrent network. Each of the files was downloaded directly from the device using IP address 72.202.187.89. Based upon my training and experience, I determined that several of these files depict children under the age of eighteen years engaged in lascivious exhibitions of the genitals that constitute child pornography as defined by Title 18, U.S.C. § 2256. Two of these files are described below:

- a. Filename: P101-Webcam – 12Yo Boy Get Sucked-Bibcam-Webcamboy - Fxg Older Brother Sucks Off His Preteen Bro T.avi
Description: This video depicts a prepubescent boy, naked on a bed with white sheets. An individual is sucking on the boy's erect penis. The video is 2 minutes and 47 seconds in length.
- b. Filename: (PTHC) 9Yo Niece – Backfuck.mpg
Description: This video depicts a prepubescent female on her knees, naked from the waist down with her anus and vagina exposed. An adult male's penis is being inserted in the child's vagina from behind. The child is wearing a long sleeve shirt that is white and red in color. The video display did not show a time, but the video size is 9.43 MB.

11. After further investigation, I determined that Nathan Benfall likely resided at 2227 NW 38th Street, Oklahoma City, Oklahoma 73112 (the "SUBJECT PREMISES"). Investigation revealed that Benfall has had utilities at the SUBJECT PREMISES since May 31, 2017, to the present. Benfall's Oklahoma driver's license, issued on August 12, 2021, listed the SUBJECT PREMISES as his address. On August 18, 2022, law enforcement observed a silver Volkswagen Passat bearing Oklahoma license plate KVV-849 parked on the curb of the SUBJECT PREMISES. A records check revealed the vehicle is registered to Nathan Benfall at the SUBJECT PREMISES. On August 18, 2022, a pole camera, which captures the public view of the SUBJECT PREMISES,

was installed. On August 22, 2022, law enforcement observed on the pole camera a gray Ford Escape bearing Oklahoma license plate JER-286 at the SUBJECT PREMISES. A records check revealed the vehicle is registered to Nathan Benfall at the SUBJECT PREMISES. During review of pole camera footage in late August 2022 through August 30, 2022, law enforcement observed a male matching the driver's license photo and description of Nathan Benfall at the SUBJECT PREMISES, and operating both vehicles at different times.

12. On September 6, 2022, a federal search and seizure warrant I acquired was executed by FBI agents at the SUBJECT PREMISES.¹

13. During the search, agents placed Benfall inside a law enforcement vehicle. Security camera footage from the vehicle revealed Benfall remove from his person a previously undetected cell phone and delete at least one application or "app" from the cell phone.

14. Agents subsequently seized the cell phone from Benfall. I previewed the contents of the cellular phone while the cellular phone was on airplane mode, and identified several videos of child pornography under downloads, including:

- One video of a naked prepubescent male masturbating, exposing his penis.
- One video of a prepubescent male and a male of an indeterminate age in a room with white background. Both are masturbating and exposing their penis. The prepubescent male masturbates the male of an indeterminate age and vice versa.

15. During the initial forensic review of Benfall's cell phone by FBI's Computer Analysis Response Team, it was determined the application Benfall uninstalled from his cell phone described in paragraph 12, was the "eccam" application. The "eccam" application can be used to review surveillance cameras remotely.

16. On September 12, 2022, I reviewed an 8GB SanDisk microSD card that was seized

¹ Magistrate Judge Gary M. Purcell authorized the search warrant.

from Benfall's bedroom during the execution of the search warrant. There were three images of child pornography on this item. I recognized the background in each image as the downstairs bathroom of the SUBJECT PREMISES. All three images had the name "WYZE" stamped on the image with a date and time. "Wyze" is a company that offers smart home cameras and devices. Two of the images have a date of November 11, 2019, and one image has a date of November 12, 2019. In all three images, a minor male is completely naked. One of the images shows a minor male standing in the bathtub naked, while the other two images show a minor male stepping outside of the bathtub naked.

17. On September 12, 2022, I began a review of a black and red SanDisk USB that was seized from Benfall's bedroom during the execution of the search warrant. During the review, several videos of the downstairs bathroom of the SUBJECT PREMISES were observed. In those videos, minor males were seen with their penises exposed, urinating. There was stamp indicating these videos were from July of 2018.

18. I believe the images described in the preceding two paragraphs were produced by Benfall using a hidden camera in his bathroom. Agents did not seize any type of cameras at the SUBJECT PREMISES during their search on September 6, 2022.

19. I believe that I have identified one of the boys in the images in paragraph 15 as a particular boy who I know spent time at the SUBJECT PREMISES in 2019.

20. Based on Internet research conducted on September 12, 2022, I believe that the two aforementioned SanDisk brand devices were manufactured outside of the state of Oklahoma.

21. On September 12, 2022, investigators met with staff at the Oklahoma Children's Theater (OCT) where Benfall had been working until his arrest. According to its website, the Oklahoma City-based OCT, among other things, provides theater camps and classes for children.

Benfall worked as an administrator at OCT. OCT staff gave me consent to search Benfall's OCT office and collect digital items. This was his personal office with a lockable door, which he did not share. According to the staff, Benfall was fired after they were made aware of Benfall's charge with possession of child pornography. Benfall was out of custody at the time of the search, having been released on bond conditions. While at OCT, investigators collected several WYZE brand surveillance cameras from Benfall's office. They were not connected and were in a sack. On September 15, 2022, investigators obtained a search warrant to search the devices collected from Benfall's office by investigators and are in the process of reviewing them. Later in the day on September 15, 2022, after the search warrant was already signed, investigators were informed by OCT staff that they had discovered several more flash drives and SD cards in Benfall's office (the Devices). On September 16, 2022, OCT staff gave consent to investigators to collect these items and search them. On September 21, 2022, investigators obtained a search warrant to the search the additional devices collected from Benfall's office by investigators and are in the process of reviewing them. On October 7, 2022, OCT staff informed investigators while reviewing the OCT Google Drive, specifically Benfall's Google account with OCT, they came upon someone in a shower that could be a minor. This video was in the OCT Google Drive, under Benfall's Google account and within the Google Photos section. On October 11, 2022, investigators were given consent by OCT to view the video they came upon at the OCT, as well as the items in Benfall's Google account. Investigators reviewed the video OCT staff referenced, and determined the video was taken in the downstairs bathroom of Benfall's residence and captured one of the minor children Benfall has adopted. The minor child was naked in the shower, seen through the glass doors of the shower. At that time, investigators asked for the Google Photos section to be copied to a 128 GB flash drive, the Flash Drive, by

OCT staff. Due to the discovery of the aforementioned video depicting a nude minor in the shower, produced in Benfall's residence, found within the Google Photos section of the OCT Google Drive, specifically under Benfall's account, investigators seek to obtain a search warrant for the Flash Drive containing those contents.

22. Considering the video that OCT discovered in Benfall's Google Photos section of the OCT Google Drive, which OCT showed me, as well as the evidence found on Benfall's devices from the SUBJECT PREMISES, including apparent internet-based child pornography and homemade child pornography from Benfall's bathroom bearing the WYZE watermark as well as WYZE-brand cameras found at Benfall's office, I believe there is probable cause to search the Flash Drive for fruits, evidence, and instrumentalities of the aforementioned offenses.

CONCLUSION

23. Based on the above information, there is probable cause to believe that the foregoing laws have been violated, and that evidence, fruits, and instrumentalities of those offenses are located on the Flash Drive.

24. Based upon the foregoing, I respectfully request that this Court issue a search warrant for the the Flash Drive, described in Attachment A, authorizing the seizure of the items described in Attachment B to this affidavit.



Marisol Flores
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN to before me this 19th day of October, 2022.



Shon T. Erwin
United States Magistrate Judge

ATTACHMENT A

DESCRIPTION OF ITEM TO BE SEARCHED

- One (1) black 128 GB flash drive

ATTACHMENT B

LIST OF ITEMS TO BE SEIZED

1. Any and all notes, documents, records, or correspondence, in digital format and medium pertaining to the violations described in the affidavit.

4. In any format and medium, all originals, computer files, copies, and negatives of child pornography as defined in 18 U.S.C. § 2256(8), visual depictions of minors engaged in sexually explicit conduct as defined in 18 U.S.C. § 2256(2).

5. Any and all notes, documents, records, or correspondence, in digital format or medium identifying persons involved in violations described in the affidavit.

6. Any and all notes, documents, records, or correspondence, in digital format or medium concerning the violations described in the affidavit.

7. Any and all notes, documents, records, or correspondence, in digital format or medium concerning communications between individuals about child pornography or the existence of sites on the Internet that contain child pornography or that cater to those with an interest in child pornography.

8. Any and all notes, documents, records, or correspondence, in digital format or medium concerning membership in online groups, clubs, or services that provide or make accessible child pornography to members.

9. Any and all records, documents, invoices and materials, in digital format or medium that concern online storage or other remote computer storage, including, but not limited to, software used to access such online storage or remote computer storage, user logs or archived data that show connection to such online storage or remote computer storage, and user logins and passwords for such online storage or remote computer storage.

10. Any and all visual depictions of minors engaging in sexually explicit conduct.

11. Any and all address books, mailing lists, supplier lists, mailing address labels, and any and all documents and records, in digital format or medium pertaining to the preparation, purchase, and acquisition of names or lists of names to be used in connection with the purchase, sale, trade, or transmission, through interstate or foreign commerce by any means, including by the United States Mail or by computer, any child pornography as defined in 18 U.S.C. § 2256(8) or any visual depiction of minors engaged in sexually explicit conduct, as defined in 18 U.S.C. § 2256(2).

12. Any information or records regarding minors with whom Benfall has had virtual or in-person contact in Oklahoma City.